

HOUSE BILL No. 1118

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-3-3.

Synopsis: Commitment to the department of correction. Provides that, after June 30, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than 366 days from the date of sentencing. (Under current law, the date is June 30, 2015.)

Effective: July 1, 2015.

Steuerwald, McMillin, Pierce

January 8, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1118

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-38-3-3, AS AMENDED BY P.L.168-2014,
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 3. (a) Except as provided by subsection (b), a
4 person convicted of a misdemeanor may not be committed to the
5 department of correction.
6 (b) Upon a request from the sheriff, the commissioner may agree to
7 accept custody of a misdemeanant:
8 (1) if placement in the county jail:
9 (A) places the inmate in danger of serious bodily injury or
10 death; or
11 (B) represents a substantial threat to the safety of others;
12 (2) for other good cause shown; or
13 (3) if a person has more than five hundred forty-seven (547) days
14 remaining before the person's earliest release date as a result of
15 consecutive misdemeanor sentences.



1 (c) After June 30, 2014, and before ~~July 1, 2015~~, **July 1, 2016**, a
2 court may not commit a person convicted of a Level 6 felony to the
3 department of correction if the person's earliest possible release date is
4 less than ninety-one (91) days from the date of sentencing, unless the
5 commitment is due to the person violating a condition of probation,
6 parole, or community corrections by committing a new criminal
7 offense.

8 (d) After ~~June 30, 2015~~, **June 30, 2016**, a court may not commit a
9 person convicted of a Level 6 felony to the department of correction if
10 the person's earliest possible release date is less than three hundred
11 sixty-six (366) days from the date of sentencing, unless the
12 commitment is due to the person violating a condition of probation,
13 parole, or community corrections by committing a new criminal
14 offense.

15 (e) After June 30, 2014, a sheriff is entitled to a per diem and
16 medical expense reimbursement as described in P.L.205-2013,
17 SECTION 4 for the cost of incarcerating a person described in
18 subsections (c) and (d) in a county jail. The sheriff is entitled to a per
19 diem and medical expense reimbursement only for the time that the
20 person described in subsections (c) and (d) is incarcerated in the county
21 jail. The reimbursement:

- 22 (1) shall be reviewed by the budget committee; and
23 (2) is subject to approval by the budget agency.

